

IN THE UNITED STATES DISTRICT COURT OF SOUTH CAROLINA

BARBARA STONE
ET AL

CASE NO: 3:20 – CV - 01290

PLAINTIFF
V

SHIVA HODGES, INDIVIDUALLY AND IN HER CAPACITY AS A MAGISTRATE JUDGE IN THE US DISTRICT COURT OF SOUTH CAROLINA
901 RICKLAND STREET
COLUMBIA, S.C. 29201

NELSON MULLINS RILEY & SCARBOROUGH LLP
1320 MAIN STREET – 17TH FLOOR
COLUMBIA, SC 29201

JAMES K. LEHMAN, INDIVIDUALLY AND IN HIS CAPACITY AS MANAGING PARTNER AND A SHAREHOLDER WITH NELSON MULLINS RILEY & SCARBOROUGH LLP AND NELSON MULLINS BROAD AND CASSEL LLP
1320 MAIN STREET -17TH FLOOR
COLUMBIA, SC 29201
ET AL
DEFENDANTS

AMENDED COMPLAINT

This amended complaint is filed by Barbara Stone, Lesa M. Martino and Dr. Robert Sarhan this 28th day of April, 2020.

The Complaint is amended to add Shiva Hodges, individually and in her capacity as a color of law magistrate judge, acting without jurisdiction and in criminal conflict of interest.

I. SHIVA HODGES IS HEREBY ADDED AS A DEFENDANT AND A CONSPIRATOR AND ACCOMPLICE IN THE RICO ENTERPRISE

1. The following sets forth the Predicate Acts of Shiva Hodges and conspiracy to commit racketeering.

A. RACKETEERING AND CONSPIRACY TO COMMIT RACKETEERING

2. Hodges has overwhelming ties to Nelson Mullins, the racketeering enterprise who is a party to this lawsuit, thereby being disqualified in this matter. Shiva Hodges failure to disclose her ties to Nelson Mullins is a breach of judicial ethics and obvious acts of an appearance of impropriety. Her failure to disqualify constitutes a criminal conflict of interest and a predicate act in the RICO enterprise.
3. A very cursory review of Shiva Hodges ties to Nelson Mullins is set forth as follows:
 - a. A speaking engagement as recently as January of this year at a lawyer conference where Nelson Mullins attorney was a speaker Nelson Mullins - 2020 S.C. Bar Convention — Corporate...www.nelsonmullins.com/idea_exchange/events/2020...

Hendrick has spoken on this topic before, giving insights on how she has seen implicit bias surface in her personal and professional life. Other members of the panel include Cal Watson of Robinson Gray and U.S. District Court Magistrate Judge Shiva Hodges.

- b. Musical chairs with a Nelson Mullins attorney who replaced Hodges in the Florence division, the location of this Chief Judge.
<https://scbiznews.com/news/law/38666/>
 - c. Their shared employment of an attorney Shelby Leonardi who was an associate at Nelson Mullins and a law clerk to Hodges.
https://www.sc.edu/study/colleges_schools/law/faculty_and_staff/directory/leonardi_shelby.php
 - d. Another shared employment situation between Nelson Mullins and Hodges.
https://richbar.org/wp-content/uploads/2015/09/2016_Fall.pdf
 - e. Another speaking engagement by Hodges (and by Judge Childs) at a seminar SPONSORED by Nelson Mullins.
https://www.scd.uscourts.gov/DOCS/FBA_SaveTheDate.pdf
 - f. Hodges used a similiar reprehensible inconsequential procedural tactic to deny “jurisdiction” to a “pro se” litigant¹ who sued Nelson Mullins GREGG-WILSON v. NELSON MULLINS RILEY AND SCARBOROUGH LLP www.leagle.com/decision/infco20150312f14 ORDER. SHIVA V. HODGES, Magistrate Judge. This is a civil action filed by a pro se litigant. Under Local Civ. Rule 73.02(B)(2)(e) (D.S.C.), pretrial proceedings in this action have been referred to the assigned United States Magistrate Judge.
4. These are “connections” that are obvious by a cursory review and as this is a RICO Enterprise, the extent of these ties are secretive and hidden.
 5. These acts by an “officer of the court” constitute “extrinsic fraud” and “fraud on and by the court”.
 6. This conduct by Shiva Hodges violates the integrity of the entire judicial system.
 7. These elementary principles of law were eloquently stated in *Cox v. Burke*, 706 So. 2d 43, 47 (Fla. 5th DCA 1998): “The integrity of the civil litigation process depends on truthful disclosure of facts. A system that depends on an adversary’s ability to uncover falsehoods is doomed to failure.”
 8. Ironically, Cox was cited by another court in finding a RICO affiliate of Nelson Mullins guilty of fraud on the court, repeatedly lying under oath, perjury and subverting the court to achieve his own financial gain. See *Leo’s Gulf Liquor v. Lakhani et al*, 802 So 2d 337.

**B. OBSTRUCTION OF JUSTICE AND
DEPRIVATION OF CONSTITUTION RIGHTS IN VIOLATION OF
18 U.S.C. § 241 AND 18 U.S.C. § 242**

9. Hodges has criminally deprived Plaintiffs of their Constitutional rights to protect and defend their property.

C. DEHOR/ALTERING/TAMPERING WITH THE RECORD/ ABUSE OF POWER/PERJURY

10. Hodges has gone dehors the record by misrepresenting matters of fact and law, including the following:

- a. Shiva Hodges has illegally denied jurisdiction on the basis of law she made up and misrepresented.
- b. Shiva Hodges herself acknowledges that one of the parties, Nelson Mullins in this RICO action is located in Columbia.
- c. Hodges then rambles about other defendants being in other jurisdictions, using her own ignorance of, misrepresentation of and failure to follow the law as a means to illegally deny existing jurisdiction.
- d. This constitutes perjury and record tampering in violation of 18 U.S. Code § 1621 and 18 U.S. Code § 1506 as the complaint itself notifies Hodges of the law regarding jurisdiction in a RICO action.
- e. Even having been provided the laws of RICO jurisdiction in the Complaint itself, Hodges failed to follow the law and deliberately misstated the law.

D. ILLEGAL USE OF THE FEDERAL COURT AS A PROTECTION RACKET

11. Shiva Hodges is illegal using the court for a purpose in which it is not intended – i.e.: as a RICO enterprise and protection racket.
12. Shiva Hodges is thereby acting as an imposter officer of the court in criminal violation of 18 U.S.C. § 912.²

E. HONEST SERVICES FRAUD AND OTHER CRIMINAL LAWS BEING VIOLATED BY SHIVA HODGES

13. The foregoing acts constitute the criminal act of taking money from the public and not providing honest services in violation 18 U.S. Code § 1346.³
14. Defendant Shiva Hodges is acting in conspiracy in violation of 18 U.S.C. § 1349⁴

² **18 U.S.C. § 912. Officer or employee of the United States**

Whoever falsely assumes or pretends to be an officer or employee acting under the authority of the United States or any department, agency or officer thereof, and acts as such, or in such pretended character demands or obtains any money, paper, document, or thing of value, shall be fined under this title or imprisoned not more than three years, or both.

³ **18 U.S. Code § 1346. Definition of “scheme or artifice to defraud”**

For the purposes of this chapter, the term “scheme or artifice to defraud” includes a scheme or artifice to deprive another of the intangible right of honest services.

⁴ **18 U.S. Code § 1349. Attempt and conspiracy**

Any person who attempts or conspires to commit any offense under this chapter shall be subject to the same penalties as those prescribed for the offense, the commission of which was the object of the attempt or conspiracy.

15. In addition, as this matter involves RICO activities that span state lines, Shiva Hodges is violating the Hobbs Act 18 U.S.C. § 1951 by her collusion with and protection of attorney members of the bar association union.
16. The Hobbs Act is **SPECIFICALLY INTENDED** to combat public corruption and acts under color of law as follows:

18 U.S.C. § 1951(a) Whoever in any way or degree obstructs, delays, or affects commerce or the movement of any article or commodity in commerce, by robbery or extortion or attempts or conspires to do so, commits, or threatens physical violence to any person or property in furtherance of a plan or purpose to do anything in violation of this section shall be fined under this title or imprisoned not more than twenty years, or both.

F. RETALIATION

17. Plaintiffs are being viciously retaliated⁵ and subjected to harassment by Defendant Shiva Hodges for exposing the corruption of her crony, Defendant, Nelson Mullins.

G. RACKETEERING

18. These are predicate acts of racketeering in violation of 18 U.S. Code § 1961.

II. ADDITIONAL UNLAWFUL ACTS

19. The provisions of Paragraphs 1 – 18 are incorporated herein.
20. As corrupt Nelson Mullins, a defendant in this matter, is located in this district, this court has an even greater duty to protect Plaintiff under 42 U.S.C. 1986 and to insure there is no appearance of impropriety.
21. However because this court is a raging inferno of corruption, as virally exposed by the media⁶, there is not even a pretense of legitimacy.

⁵ **18 U.S. Code § 1513. Retaliating against a witness, victim, or an informant**

(b)Whoever knowingly engages in any conduct and thereby causes bodily injury to another person or damages the tangible property of another person, or threatens to do so, with intent to retaliate against any person for—
 (1)the attendance of a witness or party at an official proceeding, or any testimony given or any record, document, or other object produced by a witness in an official proceeding;
 or attempts to do so, shall be fined under this title or imprisoned not more than 20 years, or both.
 (e)Whoever knowingly, with the intent to retaliate, takes any action harmful to any person, including interference with the lawful employment or livelihood of any person, for providing to a law enforcement officer any truthful information relating to the commission or possible commission of any Federal offense, shall be fined under this title or imprisoned not more than 10 years, or both.
 (f)Whoever conspires to commit any offense under this section shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.

⁶ **These SC judges can have less training than barbers but still ...**

<https://www.postandcourier.com/news/these-sc-judges-can-have-less-train...>

Nov 27, 2019 - In the **magistrate** courts of South Carolina, citizens often must fend for ... **corruption** and other abuse, an investigation by The Post and Courier ...

South Carolina Magistrate Judges Don't Need Law Degrees ...

<https://www.npr.org/2019/12/02/south-carolina-magistrate-judges-dont-n...>

22. This color of law court has been exposed as operating above the law for years and this lawsuit adds fuel to the rampant wildfire of lawlessness and corruption.

A. VIOLATION OF 28 U.S.C. § 636

23. Plaintiffs specifically objected to and did not consent to a non-Article III judge.

24. Hodges has thereby violated 28 U.S.C. § 636 in illegally attempting to seize jurisdiction by color of law.

B. SHIVA HODGES ACTS IN CONFLICT OF INTEREST BY HEARING A MOTION AFFECTING SHIVA HODGES HERSELF

25. The insanity of this bottomless pit of illegal and disingenuous conduct is epitomized by the conflict of interest, void "ruling" on a motion essentially her own motion as it affect Hodges herself.

26. Plaintiffs' demand for an Article III judge was supported by a superfluous "motion to have a magistrate judge" that was actually done at the suggestion of a clerk.

27. The intention of that "motion" was simply to bring by separate document to the attention of the court that there was no consent and objection to a non-Article III judge as was specified in the complaint, to reinforce this objection and to make sure that request was made known **IN NEON LIGHTS**.

28. Of course, such a motion was unnecessary and should have been considered as a further notice of objection and no consent to a magistrate judge.

Dec 2, 2019 - ... and Courier about South Carolina's **magistrate judges**, a position that does not require a law degree and has become a source of corruption.

South Carolina's magistrate judges are a clown-car of corrupt ...

<https://boingboing.net/2019/11/28/dum-dum-spiro-spero.html>

Nov 28, 2019 - South Carolina's magistrate judge system is a holdover from aristocratic England, where landowners would appoint someone with "common ...

Probe: SC Magistrate Court System Breeds Untrained Judges ...

<https://www.usnews.com/news/best-states/south-carolina-news/articles/2019/11/27/probe-sc-magistrate-court-system-breeds-untrained-judges>

Nov 27, 2019 - CHARLESTON, S.C. (AP) — An investigation by The Post and Courier and ... is a breeding ground for untrained judges, corruption and other abuse. ... It says South Carolina doesn't require **magistrates** to have law degrees.

Probe: SC magistrate court system breeds untrained judges

<https://apnews.com/article/charleston-south-carolina-112719>

Nov 27, 2019 - CHARLESTON, S.C. (AP) — An investigation by The Post and Courier and ... court system is a breeding ground for untrained judges, corruption and... ... It says South Carolina doesn't require **magistrates** to have law degrees.

South Carolina: The State Where Judges Rule Themselves ...

<https://www.propublica.org/article/what-happens-when-judges-police-themselves>

Apr 25, 2019 - South Carolina Circuit Court Judge Robert E. Hood hears plea from ... corrupt action that occurred in this state, and y'all have chosen not to do ...

Probe: SC magistrate court system breeds ... - WSAV-TV

<https://www.wsav.com/news/local-news/south-carolina-news/probe-sc-magistrate-court-system-breeds>

Nov 28, 2019 - It says South Carolina doesn't require **magistrates** to have law degrees. ... a breeding ground for untrained judges, corruption and other abuse.

29. But as is the case with corrupt courts and corrupt magistrates, any procedural technicality is pounced on to subvert and obstruct justice and avoid ever getting to the substantive merits because corrupt courts such as this are nothing more than “gladiator rings,” blood sport entertainment for persons using titles of “officers of the court” but who fit with the definition of sociopaths.
30. Reference should be made to Paragraph V. whereby these depraved tactics were so repugnant to a judge that he authored a book to expose them.
31. This was exactly the diabolical tactic used by Shiva Hodges to benefit herself and her cronies at Nelson Mullins.
32. Thus the very opposite of Plaintiff's request occurred and Shiva Hodges hijacked this matter.
33. Shiva Hodges used Plaintiff's own superfluous “Motion” objecting to a magistrate against us in a slick “technical” trick to illegally obstruct Plaintiff's substantive complaint.
34. Shiva Hodges of course, did not have jurisdiction to even rule on that motion as it affects her.
35. In a brazen violation of conflict of interest law SHIVA HODGES ILLEGALLY RULED ON A MOTION WHEREIN SHE WAS A PARTY THAT INVOLVED HERSELF.
36. But because this court is utterly lawless, the rules of law are brazenly violated.
37. These are exactly these types of evasive tactics for which Plaintiffs specifically objected to a magistrate judge.
38. When such a monumental violation of Commonsense⁷ occurs at the onset, the matter becomes a “s...fest” as everyone involved in this matter knows and intended.
39. Thus Plaintiffs, instead of being provided a legitimate court are now diverted with a demonic court and are forced to sue the corrupt magistrate who NEVER had and does not have jurisdiction.

C. DEPRIVATION OF RIGHTS UNDER COLOR OF LAW

40. The provisions of Paragraphs 1 – 39 are incorporated herein.
41. 42 U.S.C. § 1983 provides: “Every person, who under color of any statute, ordinance, regulation, custom or usage of any state or territory or the District of Columbia subjects or causes to be subjected any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges or immunities secured by the constitution

⁷ Federalist Papers make clear the foundation of the Constitution is commonsense:

The Federalist Papers - Library of Congress Research Guides

<https://guides.loc.gov/federalist-papers/text-31-40>

Aug 13, 2019 - The *Federalist Papers*: Primary Documents in American History ... dictates of *common-sense*, that they challenge the assent of a sound and ... the power of making that provision ought to know no other bounds than

The Federalist Papers Essay 33 Summary and Analysis | GradeSaver

<https://www.gradesaver.com/the-federalist-papers/study-guide/summary>

Feb 22, 2020 - Hamilton responds that both clauses are *common-sense provisions* necessary for any functioning government. If Congress is entrusted with ...

Federalist No 83 - The Avalon Project / <https://avalon.law.yale.edu/fed83>

The *rules* of legal interpretation are *rules of COMMONSENSE*, adopted by the courts in the construction of the laws. The true test, therefore, of a just application of them is its conformity to the source from which they are derived.

and law shall be liable to the party injured in an action at law, suit in equity, or other appropriate proceeding for redress . . . “

42. Hodges has deprived Plaintiff of these inalienable rights under color of law.
43. Hodges has denied Plaintiffs access to the court
44. Hodges has deprived Plaintiffs of equal protection to the court.
45. The Complaint filed by Plaintiffs set forth documented criminal activities by Nelson Mullins. Hodges violated her duty to protect Plaintiffs pursuant to 42 U.S.C. 1986.

III. BREACH OF JUDICIAL ETHICS AND CANONS

46. The provision of Paragraphs 1-45 are incorporated herein.
47. This matter was unlawfully transferred to a non-Article III judge with brazen ties to Mullins evidencing a vast appearance of impropriety who deliberately failed to disqualify herself in violation of judicial canons.
48. Shiva Hodges violated Judicial Canons by failing to report the unlawful acts of Nelson Mullins.
49. To the contrary, Shiva Hodges deliberately and criminally violated the law to protect her cohorts at Nelson Mullins, thus engaging in dishonest conduct mandating her removal from the bench.

A. APPEARANCE OF IMPROPRIETY

50. Hodges conduct set forth herein raises a monumental Appearance of Impropriety.

B. BIAS AND PREJUDICE

51. Hodges protected a party, Nelson Mullins, who was not even technically before the court.

C. EX PARTE PROCEEDINGS

52. Hodges has violated the most fundamental ethical canon by holding ex parte proceedings.
53. Hodges by her own unlawful and illegal acts, has converted this matter into an illegal ex parte proceeding wherein she has circumvented inclusion of the adversary party herein.
54. Moreover, due to the covert relationship between Hodges and Nelson Mullins, her illegal ex parte actions, and the secretive acts that take place in a RICO enterprise, it appears there have been secretive ex parte communications between Hodges and Nelson Mullins.

IV. SHIVA HODGES IS UNFIT TO ACT AS A PUBLIC SERVANT AND UNFIT AND UNQUALIFIED TO HOLD OFFICE

55. The provisions of Paragraphs 1 -54 are incorporated herein.
56. This monumental display of ignorance and brazen violation and breach of an array of laws and ethics spans such a vast gamut that it defies the entire integrity of the legal system.

57. Moreover, it is apparent that these corrupt tactics have been employed by Hodges for a long time and constitute a pattern and practice, being considered “aggravated” conduct under Bar standards and a course of “Predicate Acts” and “Prohibited Activities” under RICO law.
58. This conduct set forth herein warrants Hodge’s removal from office.
59. Moreover Shiva Hodge’s monumental lack of reason for tainting herself and the court by her cover up acts would lead any reasonable person to conclude Shiva Hodges also has a mental disorder, thereby mandating her removal from the bench.

V. CAVEAT

60. The provisions of Paragraphs 1 -59 are incorporated herein.
61. Plaintiffs are proceeding “sui juris”. Plaintiffs consider the term “pro se” has taken on derogatory implications to denigrate American citizens who go into courts that are now considered the chiefdom/thiefdom of those with “law certificates”, a perverse concept only existing in the corrupt legal industry that operates as a RICO enterprise.
62. The conflict of interest that is inherent in the legal system is so abhorrent it was exposed by a judge himself, John Fitzgerald Molloy,⁸ who as lawyer and judge for half a century, both profited from our legal system and saw how it has been altered in favor of lawyers and became disgusted with this blatant conflict of interest inherent in the legal system that he authored a book exposing it.

VI. NO IMMUNITY

63. The provisions of Paragraphs 1 -62 are incorporated herein.
64. There is no immunity for Defendant Shiva Hodges’ acts on grounds that there is no immunity for criminal acts and on grounds that immunity is illegal and does not apply.
65. Reference should be made to the Complaint for a complete description of the lack of immunity.

VII. DAMAGES AND RELIEF

66. The provisions of Paragraphs 1 -65 are incorporated herein.
67. Each and every count alleged in the Complaint is hereby alleged against Shiva Hodges.
68. By the criminal, civil, unethical breaches of law and RICO activities set forth herein, Defendant Shiva Hodges has subjected Plaintiffs to deliberate obstruction of justice; deprivation of fundamental due process and to become further embroiled in the RICO enterprise designated in the Complaint.
69. Defendant Shiva Hodges is a conspirator, accomplice and accessory in the RICO.
70. Defendant Shiva Hodges’ acts are of such a repugnant nature that they warrant damages in an amount that will deter such acts by other “officers of the court” non-Article III judges.

⁸ Justice John M. Molloy, formerly in the Supreme Court of Arizona, after being an insider to the criminal conflicts of interest employed by corrupt judges was so disturbed about the insidious corruption and underhanded tactics that authored a book: “The Fraternity: Lawyers and Judges in Collusion exposing the tsunami of corruption. Excerpts are set forth in Exhibit A.

71. Plaintiffs individually seek compensatory damages in the sum of \$25,000,000 against Defendant Shiva Hodges and attorneys' fees, costs and interest.
72. Plaintiffs individually seek punitive and treble damages against Defendant Shiva Hodges.
73. Plaintiffs further seek:
 - a. Criminal remedy as done by Congress and Courts where documented allegations of crimes are made in a civil proceeding, Plaintiffs seek the issuance of an Order requiring a Federal Grand Jury and/or Transfer of this matter to the F.B.I. and D.O.J. for investigation and arrests of the crimes set forth herein and they issue subpoenas, wiretap and confiscate all documents, computers, telephone records, medical, bank and all other records, all communications and other documents involved in this matter;
 - b. a Speedy Trial /Trial by Jury under Rules 38 and hearing on actual damages, general, compensatory, punitive and treble damages as set forth below for violations of rights, privileges and immunities including but not limited to due process of law both procedurally and substantively, pain, suffering, mental and emotional distress and applicable fees, costs and interests as allowed by law.
 - c. the immediate removal of Shiva Hodges from this matter and her reporting to the judicial oversight commission by the replacement judge.
 - d. the assignment of this matter to an Article III judge acting under good behavior and in compliance with the rules of American law and judicial ethics;
 - e. the setting aside of the illegal and void "report and recommendation" by color of law Shiva Hodges acting without jurisdiction.
 - f. the financial disclosure statements of the Article III judge to whom this matter is assigned and a statement of no conflict; and
 - g. any other relief the Court deems just or proper.

Respectfully submitted,

/s/Barbara Stone

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CERTIFICATE OF SERVICE

We hereby certify that a true copy of the foregoing was filed by sending a certified copy to the Court on April 28, 2020 to be filed under seal by the Court in Pacer.

/s/Barbara Stone

/s/Robert Sarhan

/s/Lesa M. Martino

CERTIFICATE OF COMPLIANCE

We hereby certify that the foregoing comports with the type-volume requirements of Fed. R. App. P. 32 and that the volume count is 4,194 words.

/s/ Barbara Stone

/s/ Robert Sarhan

/s/ Lesa M. Martino